

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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STATE OF WISCONSIN,

Plaintiff,

v.

HO-CHUNK NATION,

Defendant.

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ORDER

13-cv-334-bbc

A telephone status conference was held in this case on June 18, 2015. Clayton Kawski appeared for plaintiff State of Wisconsin. Thomas Pyper appeared for defendant Ho-Chunk Nation.

Plaintiff is still trying to decide whether to petition the Supreme Court for a writ of certiorari. Defendant would like an order dismissing the case in full, but is willing to wait for such an order if plaintiff chooses to file a petition. Defendant continues to be able to offer electronic poker, a form of “nonbanked” poker, which is the subject of this litigation. The Court of Appeals for the Seventh Circuit made this clear in its decision that the state is prohibited from preventing defendant from offering electronic poker at its Madison facility. It is unlikely that any formal ruling is necessary, but I will enter one to remove any question about the matter.

ORDER

IT IS ORDERED that the possibility that plaintiff State of Wisconsin will petition for a writ of certiorari in this matter does not prevent defendant Ho-Chunk Nation from continuing to offer electronic poker at Ho-Chunk Gaming Madison. Plaintiff is to advise the court no later than August 1, 2015, whether it will be filing such a petition.

Entered this 19<sup>th</sup> day of June, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge